

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALEMAYEHU JIMMA,

Plaintiff,

Case No. 2:18-cv-001819-RSL

V.

10 || CITY OF SEATTLE, et al.,

Defendants.

ORDER DENYING MOTION TO APPOINT COUNSEL

Plaintiff, filed an amended complaint against Seattle Police Officers Jennifer Gardner, Steven Bale and Cory Williams. Dkt. 5. Plaintiff alleges: “falsely charged me of a crime #63248, racial profile by changing my identity. Child negligence and cover up abuse.” *Id.* As relief he asks the court to reopen the investigation against him and to “remedy criminal complaint #63248.” *Id.* On January 28, 2019, plaintiff filed a motion for appointment of counsel. Dkt. 7. The motion has been referred to the undersigned judge. The Court has reviewed the motion and the record in this case and **DENIES** the motion. Dkt. 7.

There is generally no right to counsel in a civil action. *See Campbell v. Burt*, 141 F.3d 927, 931 (9th Cir. 1998). The Court may appoint counsel for indigent civil litigants under 28 U.S.C. § 1915(e)(1), but only under “exceptional circumstances.” *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). To determine if “exceptional circumstances” exist,

1 the Court considers “the likelihood of success on the merits as well as the ability of the [plaintiff]
2 to articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Weygandt*
3 *v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

4 Plaintiff requests appointment of counsel because he contacted 5-6 lawyers but they have
5 not taken his case, he is disabled and has language barriers, and “the legal challenges are
6 complex.” Dkt. 7. The pleadings plaintiff filed are in English and thus plaintiff’s language barrier
7 has not impeded plaintiff from pleading his case. Plaintiff’s contention he has no legal
8 experience is not an exceptional circumstance because this does not place him in a position that
9 is any different from other *pro se* plaintiffs living in the community. In addition, the amended
10 complaint on its face does indicate the likelihood of success may be problematic. To the extent
11 plaintiff has been charged with a crime that is still pending, his lawsuit about a false arrest need
12 to be addressed in the City or State Court as a federal court normally must abstain from
13 interfering with on-going state criminal cases. If plaintiff is claiming his arrest led to a criminal
14 conviction, his civil rights claim may also falter, as civil rights claims seeking to reverse or
15 dismiss a criminal conviction are normally not permitted. Accordingly appointment of counsel is
16 presently not justified, and the Court **DENIES** the motion (Dkt. 7). The Clerk shall provide a
17 copy of this Order to plaintiff.

18 DATED this 30th day of January, 2019.

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21 BRIAN A. TSUCHIDA
22 Chief United States Magistrate Judge
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